

**ORDINANCE NO. 20071108-005**

**AN ORDINANCE AUTHORIZING NEGOTIATION AND EXECUTION OF A COST REIMBURSEMENT AGREEMENT WITH LOC 261, LLC, FOR CONSTRUCTION OF A WATER MAIN AND APPURTENANCES FOR THE LEGEND'S WAY SUBDIVISION; AND WAIVING CERTAIN REQUIREMENTS OF SECTIONS 25-9-63 AND 25-9-67 OF THE CITY CODE RELATING TO COST REIMBURSEMENT.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

**PART 1.** This ordinance applies to an application for cost reimbursement under City Code Chapter 25-9, Article 1, Division 2, Subpart B (*Cost Reimbursement and Cost Participation*) by LOC 261, LLC for construction of a 42-inch water main and appurtenances serving the Legend's Way Subdivision located east of Bradshaw Road at River Plantation Drive.

**PART 2.** The council authorizes the city manager to negotiate and execute a cost reimbursement agreement with LOC 261, LLC, in accordance with the following requirements:

- (A) Total cost reimbursement may not exceed \$2,976,882.
- (B) Cost reimbursement for actual construction costs may not exceed \$2,588,593.
- (C) Cost reimbursement for engineering, design and project management may not exceed the lesser of:
  - (1) 15 percent of the actual construction costs; or
  - (2) \$388,289.

**PART 3.** The council waives:

- (A) the requirement of Section 25-9-63 (*Amount of Cost Reimbursement*) of the City Code that cost reimbursement be limited to actual construction costs; and
- (B) the provision of Section 25-9-67 (*Cost Participation and Cost Reimbursement Payment*) of the City Code prescribing the date for a cost reimbursement payment.

**PART 4.** This ordinance takes effect on November 19, 2007.

**PASSED AND APPROVED**

\_\_\_\_\_  
November 8, 2007

§  
§  
§ \_\_\_\_\_  
Will Wynn  
Mayor

**APPROVED:** \_\_\_\_\_  
David Allan Smith  
City Attorney

**ATTEST:** \_\_\_\_\_  
Shirley A. Gentry  
City Clerk